

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL 685

Short Title: Personal Privacy Protection Act. (Public)

Sponsors: Senators Edwards, Corbin, and Burgin (Primary Sponsors).

Referred to: Rules and Operations of the Senate

April 8, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY PRIVACY OF THE IDENTITY OF DONORS TO NONPROFIT
3 ORGANIZATIONS.

4 Whereas, freedom of speech, freedom of the press, and the right to assemble are all
5 expressive rights that are essential to the survival of our free society; and

6 Whereas, for many people, an efficient and effective way to exercise their expressive
7 rights is to join with others in support of nonprofit organizations that speak, publish, and advocate
8 on their behalf; and

9 Whereas, laws and administrative orders that impose donor disclosure requirements
10 on nonprofit organizations have been used to suppress civil rights organizations and other
11 dissenters through forms of retaliation; and

12 Whereas, citizens should be entitled to the freedom to contribute to nonprofit
13 organizations devoid of fear of their personal information being divulged without their consent;
14 Now, therefore,

15 The General Assembly of North Carolina enacts:

16 **SECTION 1.** Chapter 132 of the General Statutes is amended by adding a new
17 section to read:

18 **"§ 132-12. Nonprofit donor information.**

19 (a) Unless so authorized by State or federal law, no board or governing body of the State,
20 or of any institution of the State government, or of any political subdivision of the State, including
21 all boards, departments, divisions, constituent institutions of The University of North Carolina,
22 community colleges, and other units of government in the executive branch, may adopt or enforce
23 any rule, regulation, or policy that requires any of the following:

24 (1) An individual to disclose his or her contributions or donations to any nonprofit
25 corporation.

26 (2) A nonprofit corporation to disclose its membership.

27 (3) A nonprofit corporation to disclose the identity of persons making
28 contributions or donations to that nonprofit corporation.

29 (4) Any list, record, register, registry, role, roster, or other compilation of data of
30 any kind that directly or indirectly identifies a person as a member, supporter,
31 or volunteer of, or donor of financial or nonfinancial support to a nonprofit
32 corporation.

33 (b) Any person whose property or person is injured by reason of an act made unlawful
34 by this section may sue for civil damages. For each act in violation of subsection (a) of this
35 section, damages may be (i) in an amount of up to two thousand five hundred dollars (\$2,500) or
36 (ii) three times the amount of actual damages, whichever amount is greater. A person seeking



1 damages as set forth in this subsection may also institute a civil action to enjoin and restrain
2 future acts that would constitute a violation of this section. The venue for any civil action brought
3 under this subsection shall be the county in which the plaintiff resides or any county in which
4 any part of the alleged act took place, regardless of whether the defendant was ever actually
5 present in that county. Civil actions under this subsection must be brought within three years
6 from the date on which the identity of the wrongdoer was discovered or reasonably should have
7 been discovered. The rights and remedies provided by this subsection are in addition to any other
8 rights and remedies provided by law. The court, in an action brought under this subsection, may
9 award reasonable attorneys' fees to the prevailing party.

10 (c) This section shall not apply to the following:

11 (1) Criminal investigations.

12 (2) Orders of a court.

13 (3) Income tax reviews and investigations under Chapter 105 of the General
14 Statutes.

15 (d) For purposes of this section, the term "nonprofit corporation" shall mean any
16 organization described in section 170(c) of the Internal Revenue Code of 1986 (26 U.S.C. §
17 170(c))."

18 **SECTION 2.** This act becomes effective October 1, 2021, and applies to any rule,
19 regulation, or policy adopted or enforced on or after that date.